

REMARKS

Claims 58-79 are pending.

Rejections under 35 U.S.C. §103

Claims 58-79 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chwieseni *et al.* (U.S. 6,970,444) in view of Moshir *et al.* (U.S. 6,990,660).

Regarding claim independent claims 58 and 69, the Examiner asserts that Chwieseni alone or in combination with Moshir teaches every element of the claims. Applicant respectfully traverses.

Chwieseni teaches a system and method for providing network data and system upgrades to individual nodes in an ad-hoc network without requiring network-wide information broadcasts. Specifically, Chwieseni teaches a system and method for identifying, from a specific node in the ad-hoc network, adjacent devices in the ad-hoc network which may provide data upgrades (please see column 2, line 65 to column 3, line 1). Instead of broadcasting system upgrades throughout the complete ad-hoc network, Chwieseni uses unicast messages between adjacent nodes in the ad-hoc network for forwarding of update information (see column 3, lines 1-6, further column 4, line 63). Furthermore, Chwieseni evaluates, according to a system update, the authorization of neighboring nodes to provide relevant updates (please see column 5, lines 1-3).

Therefore, Applicant respectfully submits that Chwieseni does not teach or suggest that the step of committing to the target software configuration is taken when every result of reconfiguration received at the network node from a reachable further network node is evaluated to be positive, with respect to claim 58, or teach or suggest that the reconfiguration commitment unit is adapted to commit to the target software configuration when every result of reconfiguration received at the network node from a reachable further network node is evaluated to be positive, with respect to claim 69.

For a general discussion of the motivation to provide such update under a network-wide coordination, please see the original disclosure document WO 2004/019582, on page 2, lines 5-13.

Applicant further submits that since Moshir does not deal with this coordination aspect of updating individual nodes, Moshir cannot cure Chwieseni's defects.

Therefore, Applicant respectfully submits that claim 58 and 69 are allowable over Chwieseni and Moshir and, by their dependence, claims 59-68 and 70-79 are also allowable over their combination. The withdraw of the rejection under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

Based on the foregoing, Applicant submits that the present application is in condition for allowance.

If the Examiner believes that any outstanding issue could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Dated: November 23, 2009

Respectfully submitted,
By /John J. Penny, Jr./

John J. Penny, Jr.
Registration No.: 36,984
NUTTER MCCLENNEN & FISH LLP
155 Seaport Boulevard
Boston, Massachusetts 02210
(617) 439-2566
Attorneys/Agents For Applicant